

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HARRY KEEN, III, <i>Plaintiff</i>	:	CIVIL ACTION
v.	:	
C.R. BARD, INC., <i>et al.</i> , <i>Defendants</i>	:	No. 13-5361

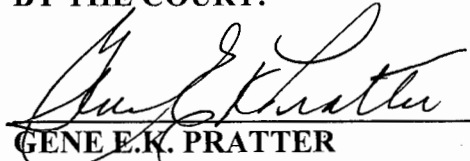
ORDER

AND NOW, this 17th day of August, 2020, upon consideration of Defendants' Motion for Summary Judgment and accompanying materials (Doc. Nos. 58-60, 110), the Response in Opposition and accompanying materials (Doc. Nos. 71, 72, 97-107, 111, 112, 121), the Reply in Support (Doc. No. 76), Defendants' responses to Plaintiff's additional statements of fact (Doc. Nos. 77-79), the parties' supplemental briefing (Doc. Nos. 108, 109, 118, 119), Plaintiff's Motion for Leave to File Additional Evidence (Doc. No. 113), and oral argument held on July 21, 2020, it is **ORDERED** that:

1. Plaintiff's Motion for Leave to File Additional Evidence (Doc. No. 113) is **GRANTED**;
2. Defendants' Motion for Summary Judgment (Doc. No. 58) is **GRANTED IN PART** and **DENIED IN PART** as set forth in the accompanying Memorandum;
3. The Court grants summary judgment in favor of Defendants as to Plaintiff's strict products liability and breach of implied warranty of merchantability claims as set forth in the accompanying Memorandum;
4. The Court denies summary judgment in favor of Defendants as to Plaintiff's negligence and negligent misrepresentation claims as set forth in the accompanying Memorandum;
and

5. The Court reserves its determination as to Plaintiff's punitive damages claim for a later date as set forth in the accompanying Memorandum.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gene E.K. Pratter", is written over a horizontal line.

GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE